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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/393,966	09/10/99	TAKEUCHI	S 35.62449

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EXAMINER

TREAS, J

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

07/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/393,966

Applicant(s)

Takeuchi et al.

Examiner

Jared Treas

Group Art Unit

2872



☒ Responsive to communication(s) filed on Sep 10, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8, 11-28, and 31-36 is/are rejected.

☒ Claim(s) 9, 10, 29, 30, and 37-42 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Objections

1. Claims 9, 10, 29 , 30 and 37-42 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been given further treatment on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 11-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Siono et al.

In figures 5a and 5b, Siono et al discloses an optical element comprising a light shielding member (26) located at the periphery of an effective area of the optical element. Note the metallic light shielding layer of Siono et al blocks uv radiation at wavelengths less than 250 nm.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-7, 23-28 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siono et al.

Siono et al discloses an optical element as described above but fails to specifically disclose additional materials which could be used as the light shielding member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the shielding member out of various materials such as chromium, ink, compounds of metal/silicon and ceramics, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the purpose of achieving a users desired needs by recognizing that the known materials control and/or manipulate light in different manners which are germane to the desired need.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siono et al as described and suggested above in view of Official Notice.

Siono et al discloses and suggests the invention as described above by the examiner, but is absent a teaching of providing alignment markings on the periphery of the optical element.

Official Notice is taken that it is well known in the art to put alignment markings on the periphery

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of optical elements for the purpose of enabling alignment of the optical element with an optical system. It would have been obvious to one having ordinary skill in the art to put alignment markings on the periphery of the optical element of Siono et al for the purpose of enabling and assuring proper alignment of the optical element with the optical pickup device without affecting the optical performance of the system.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared Treas whose telephone number is (703) 308 - 3171. The fax phone number for the organization where this application or proceeding is assigned is (703) 308 - 7721.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0956.

Jared Treas

J.T.

07/25/00



Cassandra Spyrou
Supervisory Patent Examiner
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